APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,083	12/27/2007	Richard A. Graff	Graff-PCT-04	6893

7590   05/10/2011

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EXAMINER
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ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
05/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/580,083	GRAFF, RICHARD A.
	Examiner	**Art Unit**	
	NARESH VIG	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 January 2011_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3,5,7,9,11,13,15,17-21,23,25,27-29,31 and 33-69_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3,5,7,9,11,13,15,17-21,23,25,27-29,31 and 33-69_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _20070803; 20070827_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 50 – 51 are rejected under 35 U.S.C. 101 because the claims are directed to a medium which could encompass a signal within its scope. Signals are considered to be non-statutory subject matter. Examiner suggests amending the claims by incorporating the term "non-transitory" to describe the medium.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

Claims 47 – 98 are rejected on the ground of nonstatutory double patenting over

claims 1 – 28 of US Patent No. 6,192,347 and claims 1 – 199 of U.S Patent 7,908,202

since the claims, if allowed, would improperly extend the "right to exclude" already

granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the

patent and is covered by the patent since the patent and the application are claiming

common subject matter, as follows:

a computer system configured to receive input data including data representing a

plurality of components temporally decomposed from residential property, the

components including a residential estate for years interest and a residential remainder
interest, the computer system comprising:

a processor programmed to manipulate the data representing the plurality of
components to produce a separate valuation of each of the plurality of components, and
to generate digital data representing documentation including the separate valuation of
each of said plurality of components; and

an output device to produce the documentation.

In the instant application, application has added an additional field valuation for a
terminal recovery period, for which there is nor formula(e) or a process defined on how
said terminal recover period is produced. As disclosed, said terminal recovery period is
a user preferred number for which Graff US Patents 7,908,202 and 6,192,347 teaches
capability and concept for.

Furthermore, there is no apparent reason why applicant was prevented from
presenting claims corresponding to those of the instant application during prosecution of
the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158
USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 7, 9, 11, 13, 15, 17 – 21, 23, 25, 27 – 29, 31 and 33 – 69

rejected under 35 U.S.C. 103(a) as being unpatentable over Graff US Patent

6,192,347.

Regarding claim 1, Graff teaches concept and capability for method and

apparatus to transform data representing components temporally decomposed from

residential property [Graff, Fig. 1 and associated disclosure], the apparatus including:

a computer system configured to receive input data including data representing a

plurality of components temporally decomposed from residential property, the

components including a residential estate for years interest and a residential remainder

interest [Graff, Fig. 1 and associated disclosure]:

a processor programmed to manipulate the data representing the plurality of

components to produce a separate valuation of each of the plurality of components

[Graff, Fig. 1 and associated disclosure].

Enen though Graff does not explicitly recite terminal recover period (**applicant**

recites in the disclosure, 0064, Terminal Recover Period is a reserved time period

at the end of Lease, during which to evict the lessee if the financing has not been

satisfied). In addition, applicant as disclosed in the specification, Terminal Recovery

Period is a Random number since the applicant is not using any disclosed Formula(e) to

determine the Terminal Recovery Period (see 0065). Graff teaches in the event of

default or insolvency, number of days landlord has provisioned for Terminal Rental

Recovery [Graff, col. 53, line 19 – col. 54, line 53].

Therefore it would have been obvious to one of ordinary skill in the art that Graff

teaches concept and capability wherein at least one of the valuations can reflect that

there is a terminal recovery period for the residential estate for years interest;

Graff teaches concept and capability for:

a processor programmed to manipulate the data representing the plurality of

components to produce a separate valuation of each of the plurality of components

[Graff, Fig. 1 and associated disclosure], wherein at least one of the valuations reflects

that there is a terminal recovery period for the residential estate for years interest, and

to generate digital data representing documentation including the separate valuation of

each of said plurality of components [Graff, col. 53, line 19 – col. 54, line 53];

wherein at least one of the valuations can reflect:

that the residential estate for years interest is an augmented estate for years

interest;

that the residential estate for years is a term of years interest;

that one of the components can include a fractional interest in only one of a

contingent equity interest in the residential property that is a primary equity interest and

a corresponding contingent equity interest in the residential property that is a secondary

equity interest

      wherein the residential property is a single-family dwelling;

      wherein terminal rent recovery period can have a length of at least eighteen

months.

      wherein the valuation can reflect that the residential estate for years interest can

be an augmented estate for years interest.

      wherein the valuation can reflect that one of the at least two components

includes a fractional interest in only one of a contingent equity interest in the residential

property that is a primary equity interest and a corresponding contingent equity interest

in the residential property that is a secondary equity interest;

      generate digital data representing documentation including the valuation of the

one component [Graff, Fig. 2 and associated disclosure]; and

      an output device to produce the documentation [Graff, Fig. 2 and associated

disclosure].

      Graff teaches concept and capability for a second computer system configured

to:

      receive at least some of the documentation, the second computer system

comprising [Graff, co.. 37, line 57 – col. 38, line 31];

      control the second computer system to change said at least some of the

documentation to produce second digital data representing second documentation

including an other valuation of an equity interest in one of the components [Graff, col.

35, line 42 – col. 36, line 31]; and

a second output device to produce second documentation [Graff, col. 35, line 42

– col. 36, line 31].

change said at least some of the documentation to generate second digital data

representing second documentation including an amount of a residential lease payment

including at least one of a rental payment arrearage and an escrow account payment

arrearage [Graff, col. 35, line 42 – col. 38, line 31]; and

produce the second documentation including the amount of the residential lease

payment [Graff, col. 35, line 42 – col. 38, line 31].

a processor programmed to manipulate the data generate documentation

including lease payment wherein lease payment can include:

an arrearage penalty;

insurance premium on one of said components;

tax valuation of the equity interest; and

an output device to produce the documentation;

valuation of the equity interest;

valuation can reflect that:

there is a terminal recovery period for the residential estate for years interest;

one of the components includes a fractional interest in only one of a group of

assets with two members, the group of assets comprising a contingent equity interest in

the residential property that is a primary equity interest and a corresponding contingent

equity interest in the residential property that is a secondary equity interest.

the residential estate for years is a term of years interest.

Even though Graff does not explicitly teach standardizing input data, however, it

is old and known business practice to standardize input data to make the data useful

processing of data. For example, number received as whole number is standardized to

fixed number of decimals ad designed in the process, to process the data and yield

predictable results;

Therefore it would have been obvious to one of ordinary skill in the art to modify

Graff and standardize input data to process the data and yield predictable results; rksrd;

rksrf.

Graff teaches concept and capability for:

a second computer system configured to receive at least some of the

documentation, the second computer system comprising:

a second processor programmed to control the second computer system to

change said at least some of the documentation to produce second digital data

representing second documentation including an other valuation of an equity interest in

one of the components; and

a second output device to convert the second digital data into the second

documentation including the other valuation.

wherein the documentation can include a financial document

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Graff US Patent 7,908,202 **which is continuation of** cited Graff US Patent 6,192,347, used to identify location where the teachings are cited from.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

    Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        /Naresh Vig/
May 8, 2011   Primary Examiner, Art Unit 3688